IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
TUESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FOUR
PRESENT
**THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE**
**and**
**THE HON'BLE MS JUSTICE G.ROHINI**

**WRIT PETITION NO : 11046 of 2004**

Between:
M/s.Sapthagiri Stone Crusher, Kannal(v), Kamanpur(M), Karimanagar District,
rep. by its Proprietor Mr. P. Raja Reddy, S/o. P. Raghava Reddy, R/o.H.No1-2-87/1, Pragathinagar, Peddapalli, Karimnagar Dist. **.....PETITIONER**

AND
1 Pollution Control Appellate Authority, Lakdikapool, Hyderabad.
2 The A.P. Pollution Control Board, 2nd Floor, Huda Complex, Maitrivanam, S.R. Nagar, Hyderabad-38 rep. by its Member Secretary.
3 The State Government of A.P., rep. by its Secretary EFS & T. Department,
A.P. Secretariat, Hyderabad.
4 The Environmental Engineer, Regional Office, Ramagundam, Karimnagar District.
5 The Superintending Engineer (Operations), Northern Power Distribution Company of A.P.,Karimnagar District.
6 A.P. Pollution Control Board, Zonal Office, 4th Floor, Collectorate Building Nampally, Hyderabad. rep. by its JCEE
**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring that not passing any order in his Review petition in I.A.No.39 of 2004 in Appeal No.9 of 2004 on the file Pollution Control Appellate Authority, at Hyderabad even though it is filed on 8-4-2004 is arbitrary, illegal, null and void and voilative of Principles of natural justice consequently to direct the respondents No.5 to restore the power supply to the petitioner Industry immediately enabling to renovate and take measures as per the

guidelines of the respondent No.6 until disposal of my review petition by the respondent No.1.

**For the Petitioner: MR.K.VENUMADHAV, Advocate.**

**For the Respondent nos. 1, 2 and 6: Mr.S.V.Bhatt, S.C.for A.P.Pollution Control Board.**

**For the Respondent Nos. 3 and 4: GP FOR ENVIRONMENT**

**For Respondent No.5: Smt.M.Vinobha Devi, S.C. for A.P.Transco.**

**The Court made the following :**

**O R D E R :**

Petitioner is seeking direction against Respondent No.1 for disposal of its review petition against the order passed in Appeal No.9 of 2004, and, consequentially, he is also seeking direction against Respondent No.5 to restore power supply till the disposal of the review petition or Writ Petition.

Against the order passed by the first respondent, the appellate authority no review can be sought. Power to review its own order is not an inherent power, but is a power available to the authority concerned, if it has statutorily been conferred. Since there is no power conferred on the first respondent to review its order, review itself is not maintainable, and, consequently, Writ Petition is not maintainable and is accordingly dismissed. No costs.

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DEVINDER GUPTA, CJ

6th July, 2004

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(G.ROHINI, J)

VR/DRK

CC to:

1)The Presiding Officer, Pollution Control Appellate Authority, Lakdikapool, Hyderabad.

2)The Member Secretary, A.P.Pollution Control Board, 2nd floor, Huda Complex, Maitrivanam, S.R.Nagar, Hyderabad-38.

3)The Secretary, EFS & T Department, Govt. of A.P., Secretariat, Hyderabad,

4)The Environmental Engineer, Regional Office, Ramagundam, Karimnagar dt.

5)The Superintending Engineer (operations), Northern Power Distribution Company of A.P., Karimnagar dist.

6)The J.C.E.E., A.P.Pollution Control Board, Zonal Office, 4th floor, Collectorate building, Nampally, Hyderabad.

7) Two CCs to the G.P. for Environment, High Court Buildings, High Court of A.P., Hyderabad.(o.u.t.)

8)Two CD copies.